

DELAAGE, M.  
Appl. No. 10/501,233  
December 21, 2005

REMARKS

Reconsideration is requested.

Claims 1-14, 17 and 25 have been canceled, without prejudice. Claims 15, 16, 18-24 and 26-28 are pending.

The claims have been amended, without prejudice, to advance prosecution. No new matter has been added.

A further copy of FR 2 808 888, which was listed on the PTO-1449 filed July 12, 2004, is attached. Consideration of the attached and return of a completely initialed PTO 1449 Form, pursuant to MPEP § 609, are requested.

The Examiner's indication that claims 18 and 20-24 contain allowable subject matter is acknowledged, with appreciation. See pages 7-8 of the Office Action dated August 23, 2005.

The specification has been amended to correct an inadvertent translational error as compared to the originally-filed PCT application. No new matter has been added.

The present invention relates to a device for positioning a plate or other support comprising samples on to an observation or analysis device.

Claims 15 and 27 recite that the device of the invention comprises means [40] for ensuring a constant distance between the lens [3] and the observation face [2b] of the plate [2] (see page 6, line 24-25). Claims 15 and 27, have been revised to replace "blocking" with "blocked" to highlight that this is not the third frame that is blocking itself but rather the means used to maintain the same. Further amendments have been made in the claims to obviate the Examiner's objections noted on pages 2-3 of the

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Office Action dated August 23, 2005. Reconsideration and withdrawal of the claim objections are requested.

The Section 103 rejection of claims 15-17 and 27 over George (U.S. Patent No. 3,652,146) and Marchlenski (U.S. Patent No. 5,357,366), is traversed. Reconsideration and withdrawal of the rejection are requested in view of the following distinguishing comments.

George et al. is understood to describe a precision microscope stage comprising a control system of the Z position (along the observation axis). This control system is comprised of a clamping mechanism which blocks the stage in a vertical position (column 2, line 60-64). Thus, the purpose of the invention of George et al. is to provide blocking of the vertical position while one is displacing the object to observe or analyse along X and Y axis. This system is suitable for samples with plane surfaces.

On the contrary, according to claim 15, the presently claimed device allows the object to move along the Z axis according to its deformations. Accordingly, the region of interest of the sample may contact the fixed means [40] ensuring a constant distance between the lens [3] and the observation face [2b] of the plate [2], said lens being focused on the focal plane of the lens (see page 5, line 9-11). This ensures a constant Z position for the sample, in respect to a fixed focal plane. Such a system is different from and is not suggested by an autofocus device which ensures a change in the focal plane to monitor a fixed sample, such as the one described in George.

According to the presently claimed invention, once the focal plane has been adjusted, the movement along the Z axis is neither controlled nor set by the operator,

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but it follows the movement along X and Y axis according to the deformations of the object.

George et al. do not teach or suggest the use of means ensuring a constant distance between the lens [3] and the observation face [2b] of the plate [2], allowing in the same time said plate to move freely along the vertical axis **according to its deformations**, while being displaced along X and Y axis. Thus, the presently claimed invention was not obvious in regard to George. Marchlenski fails to cure these deficiencies of George.

The Section 103 rejection of dependent claim 28 over George in view of Marchlenski, is similarly traversed and withdrawal of the rejection is requested as claim 27, from which claim 28 depends, is submitted to be patentable over the cited combination of art.

The Section 103 rejection of dependent claim 26 over George, Marchlenski and Lo (U.S. Patent No. 6,252,705), is similarly traversed and withdrawal of the rejection is requested as Lo fails to cure the above-noted deficiencies of George and Marchlenski.

The Section 103 rejection of claim 25 over George, Marchlenski and Schweizer (U.S. Patent No. 5,438,451), is moot in view of the above.

The claims are submitted to be in condition for allowance and a Notice to that effect is requested.

The Examiner is requested to contact the undersigned in the event anything further is required in this regard.

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Respectfully submitted,

**NIXON & VANDERHYE P.C.**

By:



B. J. Sadoff

Reg. No. 36,663

BJS:  
901 North Glebe Road, 11th Floor  
Arlington, VA 22203-1808  
Telephone: (703) 816-4000  
Facsimile: (703) 816-4100